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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,670	02/25/2004	Christian Eichrodt	60705-1351	3024

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EXAMINER

CORRIELUS, JEAN B

ART UNIT	PAPER NUMBER
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2611

MAIL DATE	DELIVERY MODE
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10/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,670

Applicant(s)

EICHRODT ET AL.

Examiner

Jean B. Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-27, 29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26, 27, 29 and 31 is/are allowed.
- 6) ☒ Claim(s) 32-34 is/are rejected.
- 7) ☒ Claim(s) 15-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claims 15-25 are objected to because of the following informalities: claim 15 recited the limitation a "clock detector" and "a data supervisor". However, there is not signal communication between the "clock detector" and "the data supervisor". As per claim 21, there is no signal communication between the comparator and the maximum number counter. Note that any claim whose base claim is objected is likewise objected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 32 is rejected under 35 U.S.C. 102(e) as being anticipated by Kamoi et al
US Patent No. 6,026,098.

As per claim 32 Kamoi et al teaches a transmission circuit fig. 7, 32, comprising: a cell frame detector 42 (fig. 9) considered as the claimed "signal integrity supervisor" configured to generate a response (output of circuit 42) to a digital data stream having an anomalous condition see col. 13, lines 14-22 and the cell frame detector 42 (signal integrity supervisor) configured to forward the response to devices 33 and 34 external to the transmission circuit 32 see fig. 7.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamoi et al US Patent No. 6,026,098 in view of Buer US Patent No. 6,188,257.

As per claim 33, as applied to claim 32 above, Kamoi teaches every feature of the claimed invention but does not explicitly teach the additional limitation of "wherein the digital data stream anomalous condition is a clock signal frequency that falls below a predetermined minimum value". Buer teaches the additional limitations of "the digital data stream anomalous condition is a clock signal frequency that falls below a predetermined minimum value". See col. 1, line 65-col. 2, line 2. Given that fact, it would have been obvious to one skill in the art to incorporate such a teaching in Kamoi so as to minimize signal processing error since the system would have been allowed to act on abnormal signal.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamoi et al US Patent No. 6,026,098.

As per claim 34, as applied to claim 32 above, Kamoi teaches every feature of the claimed invention but does not explicitly teach the additional limitation the digital data stream anomalous condition is a data signal having a corresponding data value that does not vary for a predetermined maximum number of clock cycles. However, it

would have been obvious to one skill in the art to configure Kamoi in such a way as set the anomalous condition as at a data signal having a corresponding data value that does not vary for a predetermined maximum number of clock cycles so as to provide proper means to identify signal abnormalities so as to provide proper compensation.

Allowable Subject Matter

6. Claims 15-25 would be allowable if amended to overcome the objection set forth above.

Claims 26, 27, 29 and 31 are allowed over the prior art of record.

Response to Arguments

7. Applicant's arguments with respect to claims 32-34 have been considered but are moot in view of the new ground(s) of rejection. In addition, at page 10 of the comment applicant notes that the cross-reference section of the present application as reflected in the published application does not reflect the preliminary amendment filed on 2/25/04 and request that such amendment be entered. However, it is noted that the amendment dated 2/25/04 has been entered and now is part of the record. In addition, several instances at page 14 of the comment filed on 9/10/07, applicant refers to "claim 1". However, since claim 1 is no longer pending in the application it is assumed that applicant intended to refer to "claim 15".

Conclusion

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Monday-Thursday from 9:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jean B. Cornelius
Primary Examiner
Art Unit 2611

9-27-07